

Date: June 9, 2015

To: The Honorable Mayor and City Council Members

From: Tanya Wilson-Séjour, AICP, Community Planning and Development Manager

Re: Amendment to Article 4, Division 3 ("Non-Residential Districts"), Section 4-302 ("Uses Permitted"), and to Article 7, Section 7-101 ("Definitions")

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, UNDER DIVISION 3 ENTITLED "NON-RESIDENTIAL DISTRICTS," SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH "RETAIL SHOWROOM, AUTOMOBILES" AS A SPECIAL EXCEPTION USE IN THE C-2BW DISTRICT, TO FOSTER ECONOMIC GROWTH IN THE CITY, AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO PROVIDE FOR A DEFINITION OF "RETAIL SHOWROOM, AUTOMOBILE," AS WELL AS ESTABLISHING CLEAR REGULATIONS FOR SAID USE, CONSISTENT WITH THE INTENT OF THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND FOR AN EFFECTIVE DATE.**

## **RECOMMENDATION**

That the Mayor and City Council pass and adopt the proposed ordinance to amend Chapter 29 of the North Miami Code of Ordinances entitled "Land Development Regulations" (LDRs) by amending (1) Article 4, Division 3 ("Non-Residential Districts"), specifically at Section 4-302 ("Uses Permitted") to establish "Retail Showroom, Automobiles" as a Special Exception Use in the C-2BW district; and (2) Article 7, specifically at Section 7-101 ("Definitions"), to provide for a definition of "Retail Showroom, Automobiles."

## **PLANNING COMMISSION RECOMMENDATION**

At its meeting on May 5, 2015, the Planning Commission (attended by Commissioners James, Ernst, Each, Jeanty, Boule and Prevatel) reviewed and discussed the proposed ordinance approving a text amendment to Article 4, Division 3 of the City's "Land Development Regulations" (LDRs), specifically at Section 4-302 to establish "Retail Showroom, Automobiles" as a Special Exception Use in the C-2BW district; further amending Article 7, specifically at Section 7-101 to provide a definition for the proposed "Retail Showroom, Automobiles" special exception use. Following staff's presentation and a lengthy public hearing,



the Planning Commission also engaged in a long and productive discussion regarding the proposed text amendment, taking into consideration the contrasting viewpoints made by the residents in favor of or against the amendment. Commissioner Prevatel made the recommendation that a restrictive covenant be included as a proviso prohibiting outdoor storage of not just vehicles, but also any vehicle-related items. Another commissioner recommended the inclusion of language in the covenant pertaining to the location and timing of deliveries as part of the restrictive covenant. Given the concerns of the residents regarding test driving in the neighborhood, the applicant voluntarily proffered that no vehicular test drives will be conducted along the streets of the Keystone and Sans Souci communities, to the relief of the residents who had objected to the petition out of said concerns. Motion to recommend approval of the ordinance with the amended restrictive covenant was made by Commissioner Each and seconded by Commissioner Boule. The item passed 6-0.

### BACKGROUND

The applicant, BRAC Holdings, Inc., is under contract to acquire the building formally known as the Wells Fargo Bank located at 12550 Biscayne Boulevard to purchase the ground floor and portion of the enclosed garage of said building to establish a new flagship automobile showroom for Volvo of North Miami. According to the City's adopted Zoning map, the subject property is zoned C-2BW, Commercial District. This zoning district currently allows car boutiques, which entail the sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles, of which no more than thirty (30) percent shall be pre-owned under the category of *Retail, Sales and Services*. Not permitted in the C-2BW zoning district, however, are auto dealerships, which fall under the category of *Vehicles Sales/Displays* and which "involve the display and/or sale of principally new automobiles, small trucks and vans and other small vehicular or transport mechanisms and including vehicle service."

As per the applicant's letter of intent, Volvo USA has approved this North Miami location to serve as a flagship concept for the re-launch for the Volvo Brand for Florida. The *retail automobile showroom* contemplated for the site is to be operated entirely indoor, occupying the existing ground floor and enclosed parking garage of the former Wells Fargo Bank building and will have no outdoor display of vehicles. As proposed, the retail automobile showroom does not meet the above-noted definition of car boutique, as it is greater in scope and allows on-site minor vehicle service. In essence, it is also different from the automotive use described under *Vehicles Sales/Displays*, as the proposed use will be confined entirely within an enclosed building. As such, the proposed *retail automotive showroom* does not exist as a use category under the LDRs. It is rather a new business, a novelty, a completely indoor automobile showroom use, which has been successfully permitted in dense urban centers such as New York City where land prices are high and even in new urbanist communities such as Coral Gables to promote integration of commercial uses and reduce sprawling development patterns. The purpose of this text



amendment application is therefore two-fold. First, the request seeks to expand the Uses Permitted chart of Article 4, Division 3, Section 4-302 of the LDRs to establish *Retail Showroom, Automobiles* as a new special exception use in the C-2BW district. Second, the request attempts to provide a clear definition of the proposed new use, which is to be added to the glossary of terms found in Article 7, Section 7-101 of the LDRs and which shall read as follows:

*Retail Showroom, Automobiles means a use, the principal use or purpose of which shall be the marketing and display of new automobiles, whether by sale, lease, or other commercial or financial means to the consumer from within an enclosed building and attendant parking structures; said use, which shall be operated on a site of at least one (1) acre, may include, among other secondary supporting uses, an inventory of vehicles for sale or lease, and on-site facilities for the minor vehicle service of automobiles previously sold, or leased by the retail automobile showroom, provided that the sale of automobiles previously sold, or leased by the retail automobile showroom shall be subordinate to the principal use, and that no more than fifteen (15) percent of the gross building area (GBA) assigned to the retail automobile showroom business shall be devoted to minor vehicle service.*

## **ANALYSIS**

Article 3, Section 3-1004 of the City's Land Development Regulations (LDRs) requires that all text amendments to the LDRs must meet the following minimum criteria.

### **1. Promotes the public health, safety and welfare;**

*The proposed text amendment to include Retail Showroom, Automobiles as a special exception use in the C-2BW commercial district is in keeping with the spirit and intent of the City's Comprehensive Plan which encourages "the creation of land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry". If approved, the proposed amendment would optimize the use of the subject location, which could serve as a catalyst for future growth and redevelopment along the west side of the Biscayne Boulevard corridor, thereby opening up additional business options for property owners within the C-2BW district. Staff also believes that the proposed amendment will lead to an increase in property values and thereby the City's tax base, which could further promote the public health, safety and welfare of the City's residents.*

### **2. Does not permit uses the Comprehensive Land Use Plan prohibits in the area affected by the zoning map change or text amendment;**



*The subject property is designated Commercial/Office on the City's adopted Future Land Use Map (FLUM). In accordance with Policy 1.13.3 of Objective 1.13 of the Future Land Use Element (FLUE) of the City's Comprehensive Plan, this land use category is intended primarily to provide land area for business, office, retail, service and other commercial enterprises. As such, the proposed retail automobile showroom use will be consistent with the underlying Commercial/Office Land Use designation of the subject property.*

**3. Does not allow densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;**

*Policy 1.1.1 of the City's Comprehensive Plan (Future Land Use Element) establishes maximum densities and intensities in each land use category which restricts proposed developments throughout the City to certain minimum development standards. Also Section 4-303 of the LDRs provides maximum density and intensity standards for proposed developments in all non-residential zoning districts. For instance, developments permitted in the C-2BW district are subject to the following standards: maximum lot coverage of 80% with a maximum height of 55 ft. As such, all future retail automobile showrooms permitted by the proposed text amendment will have to comply with the maximum densities and intensities permitted in the City's Comprehensive Plan and Section 4-303 of the LDRs.*

**4. Will not cause a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the Comprehensive Land Use Plan;**

*On behalf of the applicant, David Plummer & Associates conducted a traffic assessment in order to determine the vehicle trips generated by the existing bank use compared to the proposed retail automobile showroom use. The study reveals that the latter use will generate 72 less trips during the morning peak hour and 152 less trips during the afternoon peak hour, for a total of 224 less Peak Hour trips and an overall daily total of 811 less vehicle trips than the existing bank use. More specifically, the proposed retail automobile showroom will generate 13 new AM Peak Hour trips and 18 new PM Peak Hour trips. Using the findings of this traffic study conducted for the subject site, it is safe to assume that the low levels of AM and PM Peak Hour trips that any retail automobile showroom use will generate, will have a de minimis impact on the Biscayne Boulevard corridor and adjacent City roadways. Should it be determined at DRC review that any proposed such use may potentially cause adverse impacts on the City's current or future*



*infrastructure, the developer would be required to mitigate these impacts that exceed the established level of service for a given public facility.*

**5. Does not directly conflict with any goal, objective or policy of the Comprehensive Land Use Plan; and**

*The proposed text amendment is consistent with the goals, policies and objectives of the City's Comprehensive Plan, specifically, Policy 9.4.6 of the Economic Element, which requires the establishment of land use and zoning regulations that encourage the retention, attraction and expansion of businesses. It is also in keeping with Goal 9, which requires that the City creates an environment that will enhance the economic prosperity of local businesses and attract new business while improving the quality of life for all of its citizens.*

**6. The proposed amendment furthers the orderly development of the City of North Miami.**

*The proposed amendment will establish retail automobile as a special exception use in the C-2BW district of the City, subject to the limitations as may be deemed necessary by the BOA and as further imposed during DRC site plan approval to mitigate any unintended impacts. As such, this amendment will not only further the orderly development of the City's C-2BW commercial district, but also provide an additional boost to the economic engine of this district and the City as a whole, as commercial real estate continues to experience mixed performance despite the declining vacancy rates.*

### CONCLUSION

Based on the foregoing, staff believes that the proposed text amendment is consistent with the zoning guidelines in the City's LDRs and conforms to the future land use goals, objectives and policies identified in the City's adopted Comprehensive Plan. Therefore, staff requests that the Mayor and City Council pass and adopt the attached ordinance approving the text amendment to Article 4, Division 3 of the City's "Land Development Regulations" (LDRs), specifically at Section 4-302 to establish "Retail Showroom, Automobiles" as a Special Exception Use in the C-2BW district; and to Article 7, specifically at Section 7-101 to provide for a definition of the proposed "Retail Showroom, Automobiles" special exception use. While staff supports the text amendment as requested, staff further proposes that, in order to ensure orderly growth and quality of design, facilitate economic growth and job creation, enhance city public realms, and protect the safety and welfare of City residents, all *Retail Showroom, Automobiles* uses in the C-



2BW zoning district shall be reviewed for compliance with the development standards listed below, which shall be supplemental to other review standards set forth in the LDRs. These development standards, which the applicant who filed this request has also agreed to satisfy, are as follows:

- 1) Special Exception Use Approval: The use shall be established through a special exception use approved by the Board of Adjustment (BOA) at a public hearing and shall be subject to all the limitations as may be deemed necessary to protect the public health, safety and welfare of the residents;
- 2) Development Review Committee Site Plan Approval: That, upon the approval of the special exception use, a site plan shall be submitted to the Development Review Committee (DRC) for final concurrency determination and to further promote orderly growth and aesthetic quality in the C-2BW zoning district;
- 3) Transparency: Street-facing facades fronting Biscayne Boulevard shall have transparent glazing that provides views into display and sales areas. Transparent windows or doors shall be provided for at least 75 percent of the building wall area located between two and a one-half (2.5) and seven (7) feet above the level of the sidewalk. No wall may run in a continuous horizontal plane for more than 25 feet without an opening;
- 4) Outdoor Storage Prohibited: No outdoor storage of vehicles, whether for display or awaiting repair and maintenance, shall be permitted in connection with the retail automobile showroom;
- 5) Abandoned Vehicles Prohibited: No abandoned vehicles shall be stored on the premises;
- 6) Vehicular Test Drives Restricted: Vehicular test drives shall be restricted to Biscayne Boulevard and shall not be conducted on residential local traffic streets (50' right-of-way or less), more specifically within the Keystone and Sans Souci residential communities;;
- 7) Advertisement Prohibited: Attention attracting devices, such as blinking or flashing lights, streamer lights, pennants, banners, streamers and all fluttering, spinning advertising devices (either mobile or stationary) shall be prohibited, except as permitted under point of sale sign regulations;
- 8) Parking Location: All vehicle storage and the bulk of the required parking shall be located in the rear of the building, save for any required customer parking, which shall be located as close to the front entrance as permitted by the site restrictions;
- 9) Screening of Parking Required: Parking shall be opaque and concealed within garages, which shall be screened from abutting properties, as allowable by the LDRs;
- 10) Loading and Unloading Restricted: All loading and unloading shall occur either on the subject site, on the public right-of-way adjacent to the subject site, excluding Biscayne Boulevard, or on a loading zone within 250 feet of the subject site in the event loading and unloading cannot be accommodated on site due to site constraints or on the adjacent streets, subject to DRC approval;
- 11) Business Hours: Hours of operation shall be between 6:00 AM to 9:00 PM;

- 12) Parking Standards: *Parking shall be provided in accordance with the requirements set forth in Article V, Division 14 of the LDRs for automotive uses; and*
- 13) Declaration of Restrictive Covenant: *The conditions imposed herein shall be binding through a declaration of use or restrictive covenant, which will be recorded with the Miami-Dade County Clerk of Court.*

TWS/nl

- Attachments:
1. Proposed Ordinance
  2. Newspaper Advertisement
  3. Submittal Application
    - a. Letter of Intent
    - b. Project Narrative
    - c. Trip Generation Analysis



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, DIVISION 3, ENTITLED "NON-RESIDENTIAL DISTRICTS," SPECIFICALLY AT SECTION 4-302 ENTITLED "USES PERMITTED", TO ESTABLISH "RETAIL SHOWROOM, AUTOMOBILE" AS A SPECIAL EXCEPTION USE IN THE C-2BW ZONING DISTRICT, TO FOSTER ECONOMIC GROWTH, AND AMENDING ARTICLE 7, AT SECTION 7-101 ENTITLED "DEFINITIONS", TO PROVIDE FOR A DEFINITION OF "RETAIL SHOWROOM, AUTOMOBILE," AS WELL AS ESTABLISHING CLEAR REGULATIONS FOR SAID USE, CONSISTENT WITH THE INTENT OF THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, on April 28, 2009, the Mayor and City Council adopted the City of North Miami ("City") Land Development Regulations under Chapter 29 of the City's Code of Ordinances ("LDRs"); and

**WHEREAS**, applicable provisions of the LDRs are calculated to protect and regulate commercial use of neighborhoods, as reflected in the various nonresidential zoning districts within the City, consistent with the intent of the City Comprehensive Plan ("Comprehensive Plan"); and

**WHEREAS**, Policy 9.4.6 of the Comprehensive Plan, further requires that the City "create land use designations and zoning regulations that encourage the retention, attraction and expansion of business and industry"; and

**WHEREAS**, Article 7 of the LDRs entitled "Definitions," currently includes a definition for the term 'Retail, Sales, and Services' which allows for "a use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer, including the sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles of which no more than thirty (30) percent shall be pre-owned", the latter being an 'auto boutique' type of use and not including a service component, as is proposed here; and



**WHEREAS**, BRAC Holdings, Inc. (“Applicant”), who owns and operates a Volvo brand auto dealership (“Dealership”) in the City of Miami Gardens, Florida, desires to relocate the Dealership to the City, at a property zoned C-2BW and situated at 12550 Biscayne Boulevard (“Subject Property”), in order to establish Volvo’s first indoor retail automobile showroom use, with a service component that is not currently established as a use category in the LDRs; and

**WHEREAS**, the Applicant proposes to amend Section 4-302 and Section 7-101 of the LDRs in order to establish a new special exception use and definition called “*Retail Showroom Automobile*”, dedicated solely to the indoor display of new automobiles for sale/lease, with the ability to service and repair said vehicles onsite; and

**WHEREAS**, City administration believes the proposed request is beneficial to facilitate the relocation of a flagship commercial brand to the City and in so doing, will encourage business investment, create new employment and further increase the City’s tax base; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on May 5, 2015, found the proposed amendments to Section 4-302 and Section 7-101 of the LDRs are consistent with the Comprehensive Plan and promote the orderly commercial development of the City; and

**WHEREAS**, the Planning Commission recommended approval of the proposed amendments to the Mayor and City Council, pursuant to Section 3-1004 of the LDRs, and subject to the thirteen (13) development standards indicated in staff’s report including a restrictive covenant, to be approved by the City Attorney, limiting the timing and locations of deliveries (i.e., loading and unloading vehicles and other items) on the Subject Property, and test-driving vehicles away from the residential areas in the locality; and

**WHEREAS**, the Mayor and City Council find the proposed amendments are consistent with the intent of the Comprehensive Plan, furthers the public health, safety and welfare, and thereby, accept the Planning Commission’s recommendation of approval.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1. Amendments to Chapter 29 Code of Ordinances.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code

of Ordinances entitled “Land Development Regulations”, by amending Article 4, Division 3, entitled “Non-residential Districts,” specifically at Section 4-302 entitled “Uses Permitted”, to establish “*Retail Showroom, Automobile*” as a special exception use in the C-2BW Zoning District, to foster economic growth, and amending Article 7, at Section 7-101 entitled “Definitions”, to provide for a definition of “Retail Showroom, Automobile,” as well as establishing clear regulations for said use consistent with the intent of the North Miami Comprehensive Plan, as follows:

## CHAPTER 29. LAND DEVELOPMENT REGULATIONS

\* \* \* \* \*

### ARTICLE 4. - ZONING DISTRICTS

\* \* \* \* \*

#### DIVISION 3. NONRESIDENTIAL DISTRICTS

\* \* \* \* \*

#### **Sec. 4-302. Uses permitted.**

The following chart establishes the uses permitted in the non-residential zoning district in the city. No use is permitted which is not listed as permitted on this chart. "P" indicates whether the use is permitted, subject to review and approval in accordance with Article 3 of this Code. "P\*" indicates that the use is permitted with administrative site plan review. "SE" indicates that the use is permitted but only through special exception review. No use is permitted unless it complies with the provision of the zoning district in which it is located and the applicable development standard in Article 5 of this Code.

<b>Nonresidential Districts Permitted Uses</b>	<b>C1</b>	<b>C2BE</b>	<b>C2BW</b>	<b>C3</b>	<b>M1</b>
Accessory Uses and Structures	P	P	P	P	P
Adult Businesses					SE
Adult Daycare (stand alone building)	P*	P*	P*	P*	
Animal Boarding	P*	P*	P*		P*
Animal Grooming Establishment	P	P	P	P	
Appliance, Furniture, Electronic Rentals and Repair	P				P
Auto Service Station	SE				SE
Banquet	P*			P*	
Bar, Lounge or Tavern**	P	P	P	P	SE



<b>Nonresidential Districts Permitted Uses</b>	<b>C1</b>	<b>C2BE</b>	<b>C2BW</b>	<b>C3</b>	<b>M1</b>
Boat Repair					P*
Catering Kitchen	P				P
Check Cashing Store					P
Child Care Centers	SE			SE	
Community Facilities	SE	SE	SE		
Consignment Shops	P*	P*	P*	P*	
Convention Center	SE		SE	SE	
Day Spa	P	P	P	P	
Drive Through	SE	SE	SE	SE	
Dry Cleaning Plant					P
Educational Facilities	SE*		SE*	SE*	
Funeral Homes	SE				
Government Uses	P	P	P	P	P
Gun Shops					SE
Hospitals	SE	SE	SE	SE	
Hotel	P*	P*	P*	P*	
Industrial					P
Institutional Uses	P*	P*	P*	P*	
Light Industrial	SE				P
Liquor Package Stores***		SE	SE		
Manufacturing					P
Marinas		P*			
Mechanical Car Washing	SE				P
Medical	P	P	P	P	
Museums				P*	P*
Nightclubs	SE	SE	SE	SE	SE
Nursing and Convalescent Homes	P*		P*		
Office	P	P	P	P	
Outdoor Storage (as main use)					SE
Public Facilities	P	P	P	P	P
Public Park	P	P	P	P	P
Recording and TV/Radio	P	P	P	P	P
Recreation, Indoor	P*	P*	P*	P*	P*
Recreation, Outdoor					SE
Religious Institutions	SE				
Research and Technology Uses	P				P
Restaurants	P	P	P	P	P*
Retail, Sales, Services	P	P	P	P	P
Retail Showroom, Automobile			SE		

<b>Nonresidential Districts Permitted Uses</b>	<b>C1</b>	<b>C2BE</b>	<b>C2BW</b>	<b>C3</b>	<b>M1</b>
Schools, Special and Technical	SE	SE		SE	
Self-Service Laundries	SE				
Self Storage	P***** _				P
Studios (fine arts)					P*
Temporary Uses	P	P	P	P	P
Tow Truck Yard					P*
Vehicle Sales/Displays	SE				SE
Vehicle Sales/Displays, Major					SE
Vehicle Rental	P*				P*
Vehicle Service, Major					P*
Vehicle Service, Minor	P*				P*
Veterinary Clinics	P*	P*	P*		P*
<b>P = Permitted Use</b>					
<b>P* = Administrative Site Plan Required</b>					
<b>SE = Special Exception</b>					

\* If a college/university dormitory was included in a master plan approved by the City prior to the adoption of these LDRs, administrative site plan shall be required.

\*\* Subject to chapter 3 of the city's Code.

\*\*\* Prohibited in the arts, culture and design overlay district (AOD) subject to section 4-403E and chapter 3 of the city's Code.

\*\*\*\* Retail and personal service uses larger than one (1) acre in size are prohibited in the industrial district, in an effort to minimize a depletion of the industrial land supply. Retail sales and service uses one (1) acre and less in size should front on major east west corridors including NE 146 Street and NE 151 Street.

\*\*\*\*\* Retail Showroom, Automobile use requires minimum lot area of one (1) acre. No more than fifteen (15) percent of the gross building area (GBA) assigned to the retail automobile showroom business shall be devoted to minor vehicle service.

\*\*\*\*\*\_ Prohibited in C-1 zoned areas that abuts a single family residential district and on major C-1 commercial corridors such as Dixie Highway, NW 7th Avenue and NW 119th Street.

\* \* \* \* \*

## ARTICLE 7. DEFINITIONS.



## Sec. 7-101. Definitions.

\* \* \* \* \*

*Restaurant, fast-food* means a restaurant facility with the following characteristics: standardized limited menu; fast food preparation; orientation to take-out or eat-in service; utilization of disposable eating utensils and packaging; no waiter or waitress service at the tables.

*Restaurant, open-air* means a use characterized by outdoor table service of food and beverages prepared for service in an adjacent or attached main structure for consumption on the premises. This definition does not include an accessory outdoor bar counter, which is considered to be a separate accessory use to an outdoor cafe or a hotel pool deck.

*Retail, sales, and service* mean a use, the principle use or purpose of which is the sale of primarily new goods, products, materials, or services directly to the consumer from within an enclosed building, including grocery stores, bakeries, hardware stores, antique and collectible stores, dry cleaning drop-off and pick-up station, dry cleaning establishments, pet shops, personal services, indoor recreation, personal instruction, art galleries, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and the display of alcoholic beverages occupies less than twenty-five (25) percent of the floor area of the use, sale of principally new automobiles involving the outdoor display of a maximum of twenty (20) automobiles of which no more than thirty (30) percent shall be pre-owned, not including street vendors, farmer's markets, consignment shops, automobile services stations, thrift stores, self-service laundries, the on-premise consumption of alcoholic beverages or problematic uses.

*Retail Showroom, Automobile* means a use, the principal use or purpose of which shall be the marketing and display of new automobiles, whether by sale, lease, or other commercial or financial means to the consumer from within an enclosed building and attendant parking structures; said use, which shall be operated on a site of at least one (1) acre, may include, among other secondary supporting uses, an inventory of vehicles for sale or lease, and on-site facilities for minor servicing of vehicles previously sold, or leased by the retail automobile showroom, provided that the sale of pre-owned/preleased automobiles by the retail automobile showroom shall be subordinate to the principal use, and that no more than forty-nine (49) percent of the total stock should be pre-owned/preleased. Furthermore, no more than fifteen (15) percent of the gross building area (GBA) assigned to the retail automobile showroom business shall be devoted to minor vehicle service.

*Ride matching* means the process of identifying interested drivers and interested riders with other drivers and riders of similar interests, employment origins and destinations for purposes of sharing rides by car pooling, van pooling or other.

*Ride sharing* means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ride-sharing arrangements known as car pools, vanpools, and bus pools.

*Right-of-way* means that portion of land, duly defined, either public or private, designed for the express purpose of transporting persons or vehicles, utilities and transmission lines or canals.

\* \* \* \* \*

**Section 2.**     **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are hereby repealed.

**Section 3.**     **Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.**     **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.**     **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 6.**     **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by \_\_\_\_\_ vote of the Mayor and City Council on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**PASSED AND ADOPTED** by \_\_\_\_\_ vote of the Mayor and City Council on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Dr. Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.